

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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KLIGER-WEISS INFOSYSTEMS, INC.,

Plaintiff,

- against -

TRAILBLAZER CENTRAL LLC,

NOTICE OF REMOVAL

CIVIL CASE NO. _____

[Removed from Supreme Court
of the State of New York, Nassau
County, Index No. 607901/2016]

Defendant.

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Defendant Trailblazer Central LLC (“Trailblazer”), by and through its undersigned counsel, hereby removes this action from the Supreme Court of the State of New York, County of Nassau, to the United States District Court for the Eastern District of New York. The removal is based on 28 U.S.C. §§ 1332, 1441, 1446, and on the following grounds.

1. On or about October 13, 2016, plaintiff Kliger-Weiss Infosystems, Inc. (“KWI”) commenced an action against Trailblazer in the Supreme Court of the State of New York, County of Nassau with the filing of the Summons and Complaint, styled *Kliger-Weiss Infosystems, Inc. v. Trailblazer Central LLC*; Index No.: 607901/2016. A copy of KWI’s Summons and Complaint is attached as Exhibit A.

2. Trailblazer was served with the Summons and Complaint on October 18, 2016. It has received no prior notice of this action.

3. On November 4, 2016, KWI filed a Consent to Change Attorneys. A copy of the Consent to Change Attorneys is attached as Exhibit B. There have been no further proceedings in the action.

4. Trailblazer’s time to respond to the Complaint has not expired and Trailblazer has not yet served or filed a response to the Complaint.

5. The Complaint alleges a breach of a written agreement for services between KWI and Trailblazer.

6. This notice is timely pursuant to 28 U.S.C. § 1446(b) because it was filed within 30 days after Trailblazer received notice of this action by way of service of the Summons and Complaint.

7. The Court has diversity jurisdiction over this action. At the time KWI's Complaint was filed, KWI was and, upon information and belief, still is, a corporation incorporated under the laws of the State of New York for purposes of 28 U.S.C. § 1332(a)(1).

8. Trailblazer is a limited liability company organized under the laws of the State of Connecticut. Trailblazer has three (3) members, each of whom reside in and are citizens of the State of Connecticut for purposes of 28 U.S.C. § 1332(a)(1).

9. The amount in controversy in this action exceeds the sum of \$75,000, exclusive of interest and costs and therefore satisfies the jurisdictional amount required for removal based on diversity pursuant to 28 U.S.C. § 1332(a). (See Exhibit A at ¶ 11.)

10. Pursuant to 28 U.S.C. § 1441(a), the United States District Court for the Eastern District of New York is a proper venue for removal because it encompasses the place where this action is pending.

11. Trailblazer will give KWI's counsel written notice of the filing of this Notice of Removal and will file a true and accurate copy of this Notice, together with all exhibits, with the Clerk of Courts of the Supreme Court of the State of New York, County of Nassau, as required by 28 U.S.C. 1446(d).

12. By filing this Notice of Removal, Trailblazer does not waive any of its defenses to KWI's Complaint.

WHEREFORE, Trailblazer respectfully request that this action be removed from the Supreme Court of the State of New York, County of Nassau to this Court.

Dated: Melville, New York
November 16, 2016

LAZER, APTHEKER, ROSELLA
& YEDID, P.C.

By: /s/ Giuseppe Franzella
GIUSEPPE FRANZELLA (GF-8613)
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Attorneys for Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on November 16, 2016, I served a copy of the foregoing by U.S. Mail to the following:

McLAUGHLIN & STERN, LLP
Attn: John M. Brickman, Esq.
1010 Northern Boulevard, Suite 400
Great Neck, New York 11021

/s/ *Giuseppe Franzella*
Giuseppe Franzella (GF-8613)

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NASSAU

_____X

KLIGER-WEISS INFOSYSTEMS, INC.,

NOTICE OF FILING OF
NOTICE OF REMOVAL

Plaintiff,

Index No.: 607901/2016

-against-

TRAILBLAZER CENTRAL LLC,

Defendant.

_____X

To: Clerk of Courts, Nassau County
100 Supreme Court Drive
Mineola, New York 11501

Please take notice that on November 16, 2016, Defendant Trailblazer Central LLC filed a Notice of Removal of this action in the United States District Court for the Eastern District of New York. A copy of the Notice of Removal is attached as Exhibit A.

Dated: Melville, New York
November 16, 2016

LAZER, APTHEKER, ROSELLA
& YEDID, P.C.

By: /s/ Giuseppe Franzella
GIUSEPPE FRANZELLA
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